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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/806,360

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Karel Bostik

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26389

7590

08/01/2008

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SUITE 2800

SEATTLE, WA 98101-2347

EXAMINER

AMIRI, NAHID

ART UNIT

PAPER NUMBER

3679

MAIL DATE

DELIVERY MODE

08/01/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/806,360

**Applicant(s)**

BOSTIK, KAREL

**Examiner**

NAHID AMIRI

**Art Unit**

3679

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 8 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

In view of Applicant's Amendment received 24 October 2007, amendments to the claims have been entered. Claims 1-9 are pending.

However, the indicated allowability of claims 2, 3/2, 4/2, 5/2, 6/2, 7/2, 8/2, and 9/2 is withdrawn in view of previously cited reference US Patent No. 5,470,118 to Burton. Rejections based on the newly cited reference(s) follow.

Claims 8 and 9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 24 October 2007.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 5/1, 6/1, and 7/1 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 4,720,204 Johnson.**

With respect to claim 1, Johnson discloses a shear a single-part shear coupling (22, Fig. 2) consisting of a cylindrical body having a first end of a first diameter and as second end of a second diameter, the first diameter being larger than the second diameter; with a cylindrical hollow part of the body at the first end having an internal threaded cavity and an externally threaded pin (28) defining the second end of the body being weakened by a groove (26) on the cylindrical hollow part (33) of the body providing a stress concentration point where the coupling will part when exposed to a predetermined desired load.

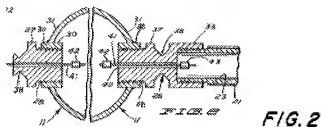


FIG. 2

With respect to claims 5/1, 6/1, and 7/1, Johnson discloses (Fig. 2) that the stress concentration point is provided by locally reducing the outside diameter of the body of the said coupling and also locally enlarging the inside diameter of the body of the said coupling.

**Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,938,383 Dirmeier et al.**

With respect to claim 2, Dirmeier et al. discloses a single-part shear coupling (Fig. 4) comprising a hollow cylindrical body (3) having opposed ends (E, E') and a bore extending between the opposed ends (40, 42), with an internal thread (4) in both of the ends of said body, which is weakened by a groove (30) positioned between said threaded ends (4) of the cylindrical hollow body (3) providing a stress concentration point where the coupling will part, when exposed to a predetermined desired load.

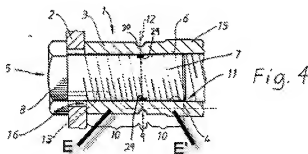


Fig. 4

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 3/1 and 4/1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson as applied to claims 1, 5/1, 6/1, and 7/1 above, and further in view of US Patent No. 4,642,011 Uramoto et al.**

With respect to claims 3/1 and 4/1, Johnson discloses the claimed invention except for the surface of the groove is protected by corrosion preventing coating; wherein the inside surface of the cylindrical body of said coupling, opposite to the outside groove, is protected by corrosion preventing coating. Uramoto et al. teach a threaded fastener, bolts, nuts and screws (i.e., "coated with a chromate film (col. 1, lines 18-19) for preventing corrosion, (col. 5, line 29-30). It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the surface of the groove and the inside surface of the cylindrical body of the coupling opposite to the outside groove of Johnson with corrosion preventing coating as taught by Uramoto et al. in order to protect the coupling due to a moisture.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art of record US Patent No. 3,637,244 Stizki; US Patent No. 3,951,556 Stizki; and US Patent No. 6,056,471 Dinitz; are cited to show a breakaway coupling.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (571) 272-8113. The examiner can normally be reached on 8:30-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-

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7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nahid Amiri  
Examiner  
Art Unit 3679  
July 13, 2008

/Robert J. Sandy/  
Primary Examiner, Art Unit 3677